

Michael J. Aye, SBN 86288

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ATTORNEY FOR DEFENDANT
Joshua L. Klipp

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	2:14-cr-00107-TLN-1
)	
PLAINTIFF,)	
)	STIPULATION FOR [PROPOSED]
v.)	PROTECTIVE ORDER FOR
)	DEFENSE EXAMINATION OF
Joshua L. Klipp,)	ELECTRONIC EVIDENTIARY
)	MATERIALS
)	
DEFENDANT.)	
)	

IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel, Kyle Reardon, Assistant United States Attorney, attorney for Plaintiff, Michael J. Aye, attorney for Mr. Klipp, attorney for Defendant, that the Court should approve the proposed protective order governing the defense expert's forensic examination of the computer data in this case.

In order to advise the defendant adequately, the defense of this case requires a further forensic evaluation, by a knowledgeable expert, of the electronic media which the government alleges contain images of child pornography. The

Stipulation for Protective Order

1 parties have agreed that the attached proposed order should
2 govern the defense examination of the computer media and request
3 that the Court approve the attached proposed order.
4

5 Dated: 7/10/2014

6
7 /S/ Michael J. Aye
8 Michael J. Aye, Attorney for
9 Defendant, Joshua L. Klipp

10 Date: 7/10/2014

11 /S/ Kyle Reardon
12 Kyle Reardon, AUSA, Attorney for
13 Plaintiff, United States of America
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UNITED STATES OF AMERICA,)	2:14-cr-00107-TLN-1
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PLAINTIFF,)	
)	
v.)	PROTECTIVE ORDER CONCERNING
)	DEFENSE EXAMINATION OF
Joshua L. Klipp,)	ELECTRONIC EVIDENTIARY
)	MATERIALS CONTAINING ALLEGED
)	CHILD PORNOGRAPHY
DEFENDANT.)	
)	

ORDER

IT IS HEREBY ORDERED AS FOLLOWS:

1. The United States Department of Homeland Security, Immigration and Customs Enforcement agents shall make a duplicate copy of any electronic storage media available for defense analysis.

2. The duplicate copies of the electronic storage media shall be made available for defense counsel, Michael J. Aye, and defendant's proposed expert, Don Vilfer, or a colleague at the same employer, Calforensics, to review at the Sacramento Federal Bureau of Investigation offices in Sacramento, for the

Stipulation for Protective Order

1 purpose of preparing for the defense of the above-entitled
2 action. The images on the electronic storage media shall not be
3 viewed by any other person unless one of the aforementioned
4 members of the defense team is present and the viewing is
5 necessary to prepare for defendant's defense.
6

7 3. A private room will be provided for the defense
8 examination. No Government agents will be inside the room during
9 the examination.
10

11 4. The expert will be permitted to bring whatever
12 equipment, books, or records he believes may be necessary to
13 conduct the examination.
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15 5. Neither the defense expert nor defense attorneys nor the
16 defense paralegal shall remove the electronic storage media from
17 the confines of the law enforcement office.
18

19 6. With the exception of materials which would be
20 considered child pornography under federal law (including visual
21 depictions and data capable of conversion into a visual
22 depiction), the expert may download and remove files or portions
23 of files, provided the forensic integrity of the electronic
24 storage media is not altered. The expert will certify in writing
25 (using the attached certification), that he has taken no
26 materials which would be considered child pornography, or data
27 capable of being converted into child pornography, (under
28

1 federal law) and that he has not caused any child pornography to
2 be sent from the law enforcement premises by any means including
3 by any electronic transfer of files.

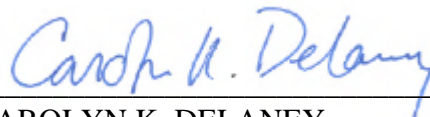
4
5 7. Except when a defense expert fails to provide this
6 certification, no Government agent, or any person connected with
7 the Government, will examine or acquire in any fashion any of
8 the items used by the expert in order to conduct the defense
9 analysis. Should a defense expert fail to certify that the
10 expert has not copied or removed child pornography, or data
11 capable of being converted into child pornography, Government
12 agents may then inspect or examine the materials in order to
13 ensure that prohibited child pornography has not been removed.
14

15
16 8. When the defense indicates that it is finished with its
17 review of the copy of the electronic storage media, such media
18 shall be "wiped" clean.

19
20 9. Any disputes regarding the above or problems
21 implementing this order shall be brought to the attention of the
22 court through representative counsel after first consulting
23 opposing counsel.

24 IT IS SO ORDERED.

25 Dated: July 10, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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PLAINTIFF,)	
)	CERTIFICATION
v.)	
)	
Joshua L. Klipp,)	
)	
)	
DEFENDANT.)	
)	

CERTIFICATION

I, _____, certify under penalty
of perjury that I have not copied or removed any images of child
pornography or data capable of being converted into images of
child pornography, or caused the same to be transferred
electronically (or by any other means) to any other location,
during the course of my review of the evidence in this case.

Date:

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